

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF OHIO  
EASTERN DIVISION

	:	Case No. 14-55300
In Re:	:	
	:	CHAPTER 11
Artemis Laser & Vein Center, LLC	:	
	:	Judge Hoffman
Debtor.	:	
	:	

**LIMITED OBJECTION TO MOTION OF ARTEMIS LASER & VEIN CENTER, LLC, FOR  
ORDER APPROVING THE REJECTION OF CERTAIN UNEXPIRED LEASES OF  
NONRESIDENTIAL REAL ESTATE**

Comes now, Simon Property Group, Inc. ("Landlord"), and hereby submits this Limited Objection to the Motion of Artemis Laser & Vein Center, LLC, for Order Approving the Rejection of Certain Unexpired Leases of Nonresidential Real Estate. In support of this limited objection, Landlord states as follows:

**Background**

1. On July 28, 2014, Artemis Laser & Vein Center, LLC ("Debtor") filed a Voluntary Chapter 11 Petition in this Court as Case No. 2:14-bk-55300.
2. Simon Property Group, Inc., on behalf of its affiliated entity, Domain Mall II, LLC, is Landlord for the Debtor under one lease of non-residential real property located at The Domain II in Austin, Texas ("Lease").
3. On August 29, 2014, Debtor filed its Motion for Order Approving the Rejection of Certain Unexpired Leases of Nonresidential Real Estate "(Rejection Motion)" seeking to reject the Lease effective as of July 28, 2014, retroactive to the date of filing.
4. As of the filing of this motion, personal property of the Debtor remains in the premises and said premises are under the control of the Debtor.

**Objection**

5. Landlord is not objecting to the rejection of its Lease, but rather objects to the inappropriate retroactive effective date of rejection. The Lease should be deemed rejected effective on the date of entry of this Court's Order granting the Rejection Motion or the date on which the personal property in the premises is deemed abandoned and the premises surrendered to Landlord pursuant to the Lease in a "broom swept" condition. Additionally, upon abandonment, Landlord shall have the right to dispose of the abandoned personal property without liability to the Debtor or any third parties who may, at one time, had an interest in the same.

7. Landlord attempted to resolve its limited objections to the Rejection Motion directly with the Debtor's counsel, but was not able to reach a resolution prior to Landlord's deadline to file a response to the Rejection Motion.

**Joinder**

8. Landlord joins in any opposition filed by the Debtor's other landlords to the extent such objections are inconsistent with the aforementioned.

9. For the reasons stated herein, Landlord respectfully requests that this Court deny the Rejection Motion and instead enter an Order that the effective rejection date of the Lease be the date on which the personal property is deemed abandoned, without Landlord's liability to dispose of the same, and the date the premises are turned over to Landlord pursuant to the Lease in a "broom swept" condition.

Respectfully Submitted,

By: /s/ Ronald M. Tucker  
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**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a copy of the foregoing was served this 18<sup>th</sup> day of September 2014 via U.S. Mail prepaid, facsimile and/or ECF Noticing to the following persons:

By: /s/Ronald M. Tucker  
Ronald M. Tucker, Esq.

***Debtor In Possession***

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